

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on May 20, 2008 at 7:00 p.m. after the 6:30 p.m. caucus session, where the Council discussed pending agenda items.

Mayor Pro-tem Schilling presiding.

Mayor Pro-tem Schilling led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, Absent Mayor David Cline.

Also physically present were City personnel: City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Fire Chief Mike Chism, Police Chief David Griffith, and City Clerk Susan J. O'Brien.

Mayor Pro-tem Schilling seconded by Commissioner Ervin moved to permit the electronic attendance of Mayor David Cline due to business of the public body.

Mayor Pro-tem Schilling declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Mayor Pro-tem Schilling.

Mayor Cline attended presently by means of audio conference at 7:02 p.m.

Mayor Pro-tem David Schilling opened a public hearing in the City Hall Council Chambers at 7:02 p.m. on a proposed land exchange whereby the City would acquire real estate south of the YMCA, owned by First National Bank Land Trust #092, in exchange for a land owned by the municipality. City Attorney & Treasurer J. Preston Owen conducted the hearing by outlining the \$2.55 per square foot calculation, describing the two areas for exchange, and reviewing a previous proposal of closing 16th Street. The floor was opened for public discussion. Mr. Herb Meeker of the Journal Gazette, Ms. Joyce St. Michael, and Mr. Jerry Groniger inquired as to the YMCA expansion and costs, impact on the depot, and refuting of figures, respectively. Attorney & Treasurer Owen responded by explaining the parking development and expansion, positively impacting the depot with additional parking, and reiterating the square footage including demolition of a structure. Public Works Director David Wortman reminded the attendees the original proposal by the land trust was over the \$2.55 per square foot price with Attorney & Treasurer Owen adding over \$4.00 per square foot asking price. The public hearing was closed at 7:14 p.m.

Mayor Pro-tem Schilling seconded by Commissioner McKenzie moved to approve the consent agenda consisting of: minutes of the regular meeting May 6, 2008, police department report from April, 2008, Finance and Revenue report, payroll and bills for the first half of May, 2008.

Bills and payroll for the first half of May, 2008

General Fund

Payroll		\$	310,751.35
Bills		\$	<u>163,968.96</u>
	Total	\$	474,720.31

Hotel Tax Fund

Payroll		\$	1,786.08
Bills		\$	<u>24,038.47</u>
	Total	\$	25,824.55

Festival Management

Bills		\$	<u>500.00</u>
	Total	\$	500.00

Capital Project Fund

Bills		\$	<u>17,789.93</u>
	Total	\$	17,789.93

<u>Water Fund</u>		
Payroll		\$ 32,048.50
Bills		<u>\$ 295,813.83</u>
	Total	\$ 327,862.33
<u>Sewer Fund</u>		
Payroll		\$ 35,473.29
Bills		<u>\$ 38,621.59</u>
	Total	\$ 74,094.88
<u>Cemetery Fund</u>		
Payroll		\$ 4,013.93
Bills		<u>\$ 1,311.37</u>
	Total	\$ 5,325.30
<u>Health Insurance</u>		
Bills		<u>\$ 106,375.86</u>
	Total	\$ 106,375.86
<u>Motor Fuel Fund</u>		
Bills		<u>\$ 61,392.74</u>
	Total	\$ 61,392.74

Mayor Pro-tem Schilling declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Mayor Pro-tem Schilling, YEA Mayor Cline.

Mayor Pro-tem Schilling opened the floor for public presentation, petitions and communications.

There was no public discussion.

Commissioner Hall seconded by Commissioner Ervin moved to adopt Special Ordinance 2008-1278, authorizing an agreement between the City of Mattoon and Land Trust 092 exchanging the City's undeveloped land between 15th and 16th Street South of Richmond Avenue and north of Broadway Avenue in addition to \$167,914.00 for real estate located south of the Mattoon Area YMCA and north of Broadway Avenue currently owned by Land Trust 092.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2008 - 1278

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND LAND TRUST 092 WHEREBY THE CITY WOULD EXCHANGE ITS UNDEVELOPED LAND BETWEEN 15TH AND 16TH STREET SOUTH OF RICHMOND AVENUE AND NORTH OF BROADWAY AVENUE PLUS ONE HUNDRED SIXTY-SEVEN THOUSAND NINE HUNDRED FOURTEEN DOLLARS FOR THE REAL ESTATE LOCATED SOUTH OF THE MATTOON AREA FAMILY YMCA AND NORTH OF BROADWAY AVENUE CURRENTLY OWNED BY LAND TRUST 092

WHEREAS, at a regular meeting held on May 6, 2008, the City Council adopted Council Decision Request No. 2008 – 873 directing that a public hearing would be held at 7:00 p.m. on May 20, 2008 on a proposed agreement for a land exchange whereby the CITY would exchange its undeveloped real estate between 15th and 16th Street south of Richmond Avenue and north of Broadway Avenue in exchange for the real estate south of the Mattoon Area Family YMCA and north of Broadway Avenue; and

WHEREAS, the other party to this proposed real estate exchange is FIRST NATIONAL BANK, as Trustee of Land Trust 092, dated July 1, 2002; and

WHEREAS, the real estate that would be conveyed from the TRUST to the CITY is located south of the Mattoon Area Family YMCA and

North of Broadway Avenue and further legally described as:

Tract 1

Beginning on the West line of East 2nd Street, now 16th Street, in the City of Mattoon, 144 feet north of the Southeast corner of Block 117 in the Original Town of Mattoon; thence North on the West line of said 16th Street to a point 130 feet South of the center line of the main track of the St. Louis, Alton & Terre Haute Railroad, in said Town; thence Westward and parallel with said center line of said railroad track and 130 feet distance to a point due West of the Place of Beginning; thence East to the Place of Beginning; intending hereby to transfer and convey all of Lot 12 of Assessor's Subdivision, Block 117, Original Town of Mattoon, Coles County, and a part of Section 13, Township 12 North, Range 7 East of the Third Principal Meridian, all situated in the City of Mattoon, Coles County, Illinois.

Tract 2

Beginning on the West right-of-way line of 16th Street, 5 feet north of the Northeast corner of Lot 12 in Assessor's Subdivision of Block 117 of the Original Town of Mattoon; thence northerly along the West right-of-way line of 16th Street, a distance of 83.96 feet; thence deflecting 105 degrees 16 minutes 00 seconds to the left, a distance of 288.35 feet parallel and 50 feet South of the centerline of the abandoned Eastbound track formerly of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company; thence deflecting 89 degrees 55 minutes 00 seconds to the left a distance of 81.00 feet; thence deflecting 90 degrees 05 minutes 00 seconds to the left a distance of 266.36 feet to the Place of Beginning.

Tract 3

Beginning at the Northeast corner of Lot Twenty Four (24) of Assessor's Subdivision of Block One Hundred Seventeen (117), Original Town (now City) of Mattoon, Illinois; thence azimuth 270 degrees 04 minutes 30 seconds a distance of 194.12 feet; thence azimuth 20 degrees 05 minutes 44 seconds a distance of 77.80 feet; thence azimuth 74 degrees 57 minutes 44 seconds a distance of 187.71 feet, said line being parallel with and 17 feet south of, at right angles, to the centerline of the eastbound main track of the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company; thence azimuth 164 degrees 53 minutes 09 seconds a distance of 114.05 feet; thence azimuth 255 degrees 02 minutes 39 seconds a distance of 44.86 feet to the Point of Beginning, situated in the City of Mattoon, Coles County, Illinois.

Tract 4

Commencing at the Northeast corner of Lot Twenty Four (24) of Assessor's Subdivision of Block One Hundred Seventeen (117), Original Town (now City) of Mattoon, Illinois; thence azimuth 270 degrees 04 minutes 30 seconds a distance of 194.12 feet; thence azimuth 20 degrees 05 minutes 44 seconds a distance of 77.80 feet to the Point of Beginning; thence azimuth 20 degrees 06 minutes 24 seconds a distance of 81.94 feet; thence azimuth 74 degrees 57 minutes 44 seconds a distance of 456.45 feet; thence azimuth 180 degrees 17 minutes 28 seconds a distance of 103.69 feet; thence azimuth 254 degrees 57 minutes 44 seconds a distance of 288.35 feet; thence azimuth 344 degrees 53 minutes 09 seconds a distance of 33.0 feet; thence azimuth 254 degrees 57 minutes 44 seconds a distance of 187.71 feet to the Point of Beginning, situated in the City of Mattoon, Coles County, Illinois.

Tract 5

Commencing at the Southeast corner of Lot Eleven (11) in Block One Hundred Ten in the Original Town (now City) of Mattoon, Illinois; thence azimuth 180 degrees 17 minutes 28 seconds along the west right of way line of Sixteenth (16th) Street a distance of 83.53 feet to the Point of Beginning; thence continuing azimuth 180 degrees 17 minutes 28 seconds along said west right of way line a distance of 20.74 feet; thence azimuth 254 degrees 57 minutes 44 seconds a distance of 456.45 feet; thence azimuth 20 degrees 07 minutes 04 seconds a distance of 122.55 feet; thence azimuth 74 degrees 54 minutes 40 seconds a distance of 232.42 feet; thence azimuth 179 degrees 43 minutes 47 seconds a distance of 83.06 feet; thence azimuth 74 degrees 54 minutes 40 seconds a distance of 180.27 feet to the Point of Beginning, situated in the City of Mattoon, Coles County, Illinois.

All of the above combined more particularly described as follows:

Commencing at the Southeast corner of Block 117 in the Original Town, now City of Mattoon, Coles County, Illinois; thence on an assumed bearing North 00 degrees 09 minutes 12 seconds East along the west line of 16th Street, 144.0 feet to a drill hole in concrete marking the Point of Beginning; thence North 89 degrees 57 minutes 35 seconds West, 227.44 feet to a PK nail; thence South 74 degrees 58 minutes 04 seconds West, 75.74 feet to a "T" Bar with #1340 cap; thence South 89 degrees 54 minutes 59 seconds West, 194.12 feet to an iron pin with #3140 cap; thence North 20 degrees 04 minutes 36 seconds East, 77.80 feet to an iron pin; thence North 19 degrees 55 minutes 07 seconds East, 82.17 feet to an iron pin; thence North 20 degrees 05 minutes 18 seconds East, 122.61 feet to an iron pin; thence North 74 degrees 58 minutes 48 seconds East, 232.42 feet to an iron pin with #3140 cap; thence South 00 degrees 15 minutes 05 seconds East, 83.06 feet to an iron pin; thence North 74 degrees 55 minutes 34 seconds East, 180.16 feet to an iron pin on the west line of said 16th Street; thence South 00 degrees 14 minutes 30 seconds West along said west line, 124.53 feet to an iron pin in the concrete walk; thence South 00 degrees 09 minutes 12 seconds West continuing along said west line, 145.21 feet to the Point of Beginning, containing 2.759 acres more or less, all situated in the City of Mattoon, Coles County, Illinois.; and

WHEREAS, the real estate that would be conveyed from the CITY to the TRUST is located west of 15th Street and East of 16th Street between Richmond Avenue on the North and Broadway Avenue on the south and is further legally described as:

Tract A

Lots one (1) and two (2) in block one hundred nine (109) in the original town, now city of Mattoon, Coles County, Illinois.

Tract B

Beginning at a point in the west line of fifteenth (15th) street in the city of Mattoon, Coles County, Illinois that is distant northerly 32.7 feet as measured at right angles from the center line of the present eastbound main track of the Cleveland, Cincinnati, Chicago and St. Louis railway company, thence measure westerly along a line that is parallel with and distant northerly 32.7 feet as measured at right angles to the center line of said main track a distance of 100 feet to a point, thence measure northerly parallel with the westerly line of fifteenth (15th) street a distance of 105 feet to a point, thence measure easterly parallel with the center line of said main track a distance of 100 feet to a point, thence measure southerly along the westerly line of fifteenth (15th) street a distance of 105 feet to the point of beginning, said premises being a part of the southeast quarter (se ¼) of the northwest quarter (NW ¼) of section thirteen (13), township twelve (12) north, range seven (7) east of the third principal meridian, Coles County, Illinois.

Tract C

Commencing at the Southwest corner of Lot Six (6) in Block One Hundred Nine (109) of the Original Town, now City of Mattoon; thence Southerly along the East right of way line of Sixteenth (16th) Street a distance of 52.35 feet to the place of beginning; thence continuing Southerly along the East right of way line of Sixteenth (16th) Street a distance of 51.83 feet; thence deflecting 105 degrees 16 minutes 00 seconds to the left a distance of 210.00 feet parallel with and 50 feet north of the centerline of the Eastbound Conrail track; thence deflecting 90 degrees 00 minutes and 00 seconds to the left a distance of 50.00 feet; thence deflecting 90 degrees 00 minutes 00 seconds to the left a distance of 196.35 feet to the place of beginning; situated in Coles County, Illinois.

Tract D

A part of a strip of land running generally from East to West heretofore used as a railroad right-of-way, first acquired and used as such by the Terre Haute and Alton Railroad Company, thereafter by the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company, and last so owned and used by Consolidated Rail Corporation as a portion of its Davis-Lennox Main Line, identified as Line Code 8405 in the records of the United States Railway Association, generally described as: The North nine (9) feet of the West two hundred ten (210) feet of that portion of said railroad right-of-way lying between North 15th Street and North 16th Street in the City of Mattoon; and more particularly described as a strip of land nine (9) feet in width beginning on the West at the East right-of-way line of Sixteenth (16th) Street and running in a Northeasterly direction parallel to, of even length with, and immediately adjacent to the South of a line 210 feet in length described as follows: Commencing at the Southwest corner of Lot Six (6) in Block One Hundred Nine (109) of the original town of Mattoon; thence Southerly along the East right-of-way line of Sixteenth (16th) Street a distance of 104.18 feet to the point of beginning; thence deflecting 105 degrees 16 minutes 00 seconds to the left a distance of 210 feet parallel with and fifty feet North of the center line of the abandoned Eastbound Conrail track; situated in the City of Mattoon, Coles County, Illinois.

Tract E

A part of a strip of land running generally from East to West heretofore used as a railroad right-of-way, first acquired and used as such by the Terre Haute and Alton Railroad Company, thereafter by the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company, and last so owned and used by Consolidated Rail Corporation as a portion of its Davis-Lennox Main Line, identified as Line Code 8405 in the records of the United States Railway Association, described as: that portion of said railroad right-of-way lying between North 15th Street and North 16th Street in the City of Mattoon, Illinois, except the North nine (9) feet of the West two hundred ten (210) feet thereof; situated in the City of Mattoon, Coles County, Illinois.; and

WHEREAS, the City intends to use the land it receives to construct a public parking lot; and

WHEREAS, notice of the public hearing on this proposed real estate exchange was published in the *Mattoon Journal Gazette* on May 3, 2008; and

WHEREAS, said hearing was duly held on May 20, 2008 at which hearing persons were given an opportunity to appear and be heard in favor of or against the proposed real estate exchange.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Council hereby makes the following findings pertaining to this proposed real estate exchange:

A. The recitals presented in the preamble to this resolution are found to be true and correct.

B. State statutes prescribe that fair market value must be offered when a state or local government acquires real estate. The value of the property the City would convey, per the costs incurred for the acquisition of the property is, \$138,550 plus a cash payment of \$167,914.00 for a total of \$306,464.00. The property being conveyed to the City has a fair market value of \$306,464.00 as calculated by multiplying the per square foot price the City paid to acquire the property being exchanged (which is directly across 16th for the property being acquired) by the number of square feet of ground being acquired from the Trust.

C. Beyond the relative values for this real estate exchange as set forth in Paragraph B of this Section, the municipality is expected to receive additional value important to community economic development, public health and welfare:

(1) By the additional public parking that will be made available for patrons of AMTRAK using the “Illinois Central Railroad Depot”; and

(2) By the additional public parking that will be made available for the businesses located on 16th Street and Broadway Avenue; and

(3) By the additional public parking that will be made available for the Mattoon Area Family YMCA and its patrons.

D. The premises to be conveyed by the municipality under such exchange, in the opinion of the City Council, are no longer needed by the municipality for the public interest and are hereby declared as surplus.

E. The premises to be received by the municipality under such exchange will prove useful to the municipality and will be for the public interest.

F. The total value of the substitutional premises exceeds the value of the premises for which same are being exchanged, as determined by the City Council, taking into consideration the long-term best interest of the public.

G. This real estate exchange is consistent with the Redevelopment Plan for the Mattoon Midtown Redevelopment Project Area adopted December 16, 2003.

Section 3. The Mayor Pro-Tem is authorized to sign an “**AGREEMENT FOR LIKE-KIND EXCHANGE OF REAL ESTATE**”, a copy of which is attached and incorporated herein by reference.

Section 4. The City Council hereby authorizes the Mayor Pro-Tem and the City Attorney & Treasurer to take such other administrative actions that may be necessary to implement the intent of this Special Ordinance.

Upon motion by Commissioner Hall, seconded by Commissioner Ervin, adopted this 20th day of May, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
 Commissioner McKenzie, Mayor Pro-tem Schilling,
 Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of May, 2008.

/s/ David R. Schilling
David R. Schilling, Mayor Pro-Tem
City of Mattoon, Coles County, Illinois
APPROVED AS TO FORM:

ATTEST:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 21, 2008.

Mayor Pro-tem Schilling declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Mayor Pro-tem Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to approve Council Decision Request 2008-875, approving a \$6,500.00 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon Junior Baseball League for the 2008 July Invitational 9 and 10-yr-olds Baseball State Tournament to be held on July 3-6, 2008.

Mayor Pro-tem Schilling declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Mayor Pro-tem Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to approve Council Decision Request 2008-876, approving \$14,950.00 in grants by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Babe Ruth League for two tournaments: Cal Ripken 12-year olds Ohio Valley Tournament to be held July 24-29, 2008 in the amount of \$9,950.00; and Illinois Cal Ripken 12-year olds Baseball State Tournament to be held July 10-13, 2008 in the amount of \$5,000.

Mayor Pro-tem Schilling declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Mayor Pro-tem Schilling, YEA Mayor Cline.

Commissioner McKenzie inquired whether any action was necessary for the closure of 16th Street. Attorney & Treasurer Owen stated Special Ordinance 2008-1265 would have to be repealed.

Mr. Arthur Willaredt questioned whether the property exchanged did not include a triangle section on the map. Attorney & Treasurer Owen stated the legal description contained the exact property dimensions.

Commissioner Schilling stated he would not attend the next meeting.

Commissioner Hall seconded by Commissioner McKenzie moved to adjourn at 7:18 p.m.

Mayor Pro-tem Schilling declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Mayor Pro-tem Schilling, YEA Mayor Cline.

/s/ Susan J. OBrien
City Clerk